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PATENT  
Docket No. CUPO-20-2 (3037-4167)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Applicant: CUPO et al. :  
Serial No.: 09/352,404 : Group Art Unit: 2631  
Filed: July 14, 1999 : Examiner: E. Bayard  
For: AN IMPROVED IN-BAND-CHANNEL (IBOC) SYSTEM AND METHODS  
OF OPERATION USING ORTHOGONAL FREQUENCY DIVISION  
MULTIPLEXING (OFDM) WITH TIMING AND FREQUENCY OFFSET  
CORRECTION

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Mail Stop: \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to MPEP 1302.14, and prior to the payment of the Issue Fee, Applicants' comment herein on the Examiner's Statement of Reasons for Allowance of independent claims 1, 12, 21, 22 and 23, contained in the Notice of Allowance, mailed June 6, 2005 for the above designated application,

The Examiner's Statement for the allowance of Claims 1, 12, 21, 22 and 23 reads as follows:

".. the prior arts of record fail to anticipate or render obvious the following recited features: ..... using the averaged I, and Q auto correlation values based on  $R_i = \sum_{j=1}^L R(j)$  where:  $R_i$  is the average auto correlation value;  $L$  is the latest frame;  $R(j)$  is the  $j=L$  auto correlation value of the  $j$ -th frame as recited in claim 12."

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The Examiner's Statement with respect to allowed Claim 23 is in error. Claim 23 does not include the auto-correlation values, as recited in Claim 12 and repeated in allowed independent Claims 1, 21 and 22. Applicants' request the Examiner's Statement of Reason for Allowance be amended to reflect accurately the reason for allowance of claim 23.

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Comments On Statement Of Reasons For Allowance

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**AUTHORIZATION:**

The Commissioner is hereby authorized to charge any fees or insufficient fees or credit any payment or overpayment associated with this application to Deposit Account No. 13-4503, Order No. 3037-4167 CUPO-20-2.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: August 9, 2005

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